

REMARKS

Claims 1-30 are pending. Please consider the following remarks responsive to the Office Action mailed May 5, 2006. Claims 31-101 are cancelled herewith.

All of the pending claims recite a touch fastener product for use as a mold insert. The touch fastener includes a base with magnetically attractable material secured thereto, and selvages. The selvages are of a significantly lesser stiffness than the stiffness of the central portion of the base, for flexure of the selvages to conform to a mold surface as the base of the fastener product is drawn against the mold surface by magnetic attraction of the magnetically attractable material. When in use, for example in a mold cavity, the selvages can flex out of the plane of the central portion of the touch fastener, conforming to the surface of a mold cavity, in particular a mold cavity having angled side walls.

Rejections under 35 U.S.C. 102

Claims 94-101 are cancelled herewith, therefore the rejections corresponding to these claims are not moot.

Claims 1, 2, 18-20, 24-28, 94, 95, 97, and 100 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimamura et al. Shimamura discloses a touch fastener having grooves formed on the substrate, which extend along the respective marginal portions to render the marginal portions easily bending relative to the substrate. (See Abstract.) However, nothing in Shimamura teaches or suggests a touch fastener as recited in claim 1, which includes selvages of significantly lesser stiffness than the central portion of the base, which provide for flexure of the selvages to conform to a mold surface as the base of the touch fastener is drawn against a mold surface. In contrast to Applicants' claimed invention, the touch fastener depicted in Figure 3 of Shimamura does not flex to conform to a mold surface (i.e., as the touch fastener is drawn against a mold surface by magnetic attraction), but instead remains flat as the touch fastener is positioned in the mold. Moreover, the figures in Shimamura fail to suggest that the touch fastener would actually conform to the mold surface if drawn to a mold surface by magnetic attraction as required by the claims. Without such a disclosure or suggestion, Shimamura does not anticipate the pending claims and the rejection should be withdrawn.

Claims 1, 3-6, 9-11, 15, 17-19, 24, 94, 95, 100, and 101 are rejected under 35 U.S.C. 102(b) as being anticipated by Northrup et al. Northrup discloses touch fasteners including an open porous material attached to a back surface to receive foam to permanently attach the touch fastener to a foamed article. (See Abstract.) Applicants' claims require selvages of a significantly lesser stiffness than the stiffness of the central portion of the base, for flexure of the selvages to conform to a mold surface as the base of the fastener product is drawn against the mold surface. Nothing in Northrup discloses or suggests touch fasteners having selvages as required in the pending claims, i.e., selvages of a stiffness for flexure to conform to a mold surface as the fastener is drawn against a mold surface (e.g., a curved or angled mold surface). In fact, every figure provided in Northrup discloses a flat touch fastener, including figure 2, which provides a depiction of the touch fastener in a mold, with no flexure of the selvages. Because Northrup does not teach or suggest a touch fastener as recited in the pending claims, Northrup does not anticipate the pending claims and therefore the rejection should be withdrawn.

Claims 1, 2, 17-21, 23-28, 94, 95, 97, 98, and 100 are rejected under 35 U.S.C. 102(b) as being anticipated by Billarant. Billarant discloses a touch fastener having a flat base and being of a thickness such that it can undergo deformation to follow the shapes of top edges of walls on which the article for molding over is intended to be placed by its bottom surface. (See abstract.) Billarant does not disclose or suggest a touch fastener having selvages of a significantly lesser stiffness than the stiffness of the central portion of the base, as required by the pending claims. The selvages of the claimed invention allow for confirmation to side walls as the touch fastener is drawn towards a mold surface, for example as provided in Figure 6 of the pending application. In contrast to the claimed touch fasteners, the touch fasteners of Billarant do not disclose flexure to conform to a mold surface, but discloses a flat touch fastener as positioned into the mold. (See e.g., Figure 3.) Because Billarant does not disclose or suggest the claimed touch fastener, the corresponding rejection should be withdrawn.

Claims 1, 3-7, 9, 15, 17, 23-28, 94, 95, and 100 are rejected under 35 U.S.C. 102(b) as being anticipated by Morse et al. Morse discloses a hook and loop type fastener having a foam backing which seals against a mold wall surrounding a trough. (See Abstract.) Morse does not

disclose a touch fastener having selvages of a stiffness to provide flexure to conform to a mold surface as recited in the pending claims. See, for example, figure 4, which depicts a touch fastener positioned into a mold. The foam material does not conform to the mold surface, but instead angles upward from the mold surface, contacting the mold surface at only a single point. Because Morse does not disclose or suggest a touch fastener as recited in the claims, the corresponding rejection should be withdrawn.

Rejections under 35 U.S.C. 103

Claims 14-17, 21-23, 29, 30, 96-98, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura. Claim 101 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura in view of Northrup. Claims 13, 14, 16, 22, 29, 30, 96, 99, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billarant. Claims 10-14, 16, 18-22, 29, 30, and 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse. Claims 7, 8, 14, 16, 20, 21, 23, 25-30, 96, and 97-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Northrup. Claims 94-101 are cancelled and therefore the rejections over these claims are moot.

Each of Shimamura, Northrup, Billarant, and Morse are discussed above, and for at least the reasons discussed above, each of these references fails to disclose or suggest the claimed touch fasteners. Without such a teaching or suggestion, the cited references, both alone and in combination, fail to support a *prima facie* case of obviousness. Applicants therefore request that the corresponding rejections be withdrawn.

The fee in the amount of \$1020 for the Petition for Three-month Extension of Time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 05918-361001.

Respectfully submitted,

Date: November 1, 2006

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